

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 568 of 2019

- Lalan Kumar Namdeo S/o M.P. Namdeo Aged About 62 Years Retd. Govt. Servant, R/o Abhanpur, Police Station- Abhanpur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Kharsiya, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Ahmad Husain, Advocate.

For Respondent : Mr. Arun Shukla, Govt Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

29/04/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.176/2002 registered at Police Station-Kharsiya, District-Raigarh(C.G.), for the offence punishable under Sections 409, 420 r/w 34, 467, 471, 34, 471 & 468 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant according to charge-sheet filed against him in the year 2002. The applicant could not participate in the trial on account of his inability which he suffered in a road accident and resultant numerous surgeries undergone by him during that period. In the intervening period the case against co-accused has been decided and they have

been acquitted by the trial Court. Applicant wants to participate in the trial and contest it, therefore, he may be granted anticipatory bail.

3. Learned State Counsel opposes bail application and submissions made in this respect. It is submitted that knowing well about the prosecution against him the applicant has deliberately avoided trial and remained absconded so far, therefore, the application be rejected.
4. Heard both the parties and perused the case diary.
5. Prosecution had filed charge-sheet against co-accused persons for offences under Section 409, 420, 34, 467 r/w 34, 468, 471, 34 of IPC, showing this applicant as absconding accused. In the present status of trial against the co-accused persons, the trial has completed vide judgment dated 11.4.2017, a copy of which has been filed along with application. Co-accused have been acquitted.
6. Only for the reason that the trial against this applicant is pending before the Court which needs to be concluded at the earliest being an old case, therefore, I am of this opinion that this is a fit case where applicant should also be granted anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;

- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha